

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MEMORANDUM OPINION AND ORDER

The parties should be aware that a number of the opinions expressed by the court are, at this stage, merely preliminary opinions, not rulings as such. The only rulings are those which explicitly either grant or deny a motion or directly order something not to be mentioned, etc. While the court has present opinions, which it has announced, with regard to required proof, instructions, etc., the parties should not rely on such expressed opinions unless and until they are adopted in support of explicit orders, rulings, instructions, etc.

When the court begins the jury qualification process on April 25, it may excuse some jurors. If the attorneys wish to consider objecting, they should be present.

The attorneys should advise the court by April 27 if the questionnaire answers reveal jurors who should be excused.

By 4:00 p.m. on April 22, 2005, the parties will fax to the court at (256) 237-1783 a list of any matters which the parties feel that the court has not ruled upon, and which should be ruled upon prior to trial.

This 22nd of April, 2005.



ROBERT B. PROBST
SENIOR UNITED STATES DISTRICT JUDGE